

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
Leo O'Brien Federal Building
11A Clinton Avenue
Albany, New York 12207
(518) 434-4553

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

Hermitage Inn Real Estate
Holding Company, LLC

Debtor.

Case No.: 19-10214-cab
Chapter 11

In re:

Hermitage Club, LLC

Debtor.

Case No.: 19-10276-cab
Chapter 11

The United States Trustee's Motion for Hearing on Shortened and Limited Notice

TO: HON. COLLEEN A. BROWN
CHIEF UNITED STATES BANKRUPTCY JUDGE

William K. Harrington, the United States Trustee for Region 2 ("United States Trustee"), by and through counsel, and in furtherance of certain duties and responsibilities pursuant to 28 U.S.C. § 586, respectfully moves this Court for a hearing on shortened and limited notice regarding the United States Trustee's Motion to Convert or Dismiss Chapter 11 Cases or in the Alternative to Appoint a Chapter 11 Trustee pursuant to 11 U.S.C. § 1112(b)(1) ("Motion") (ECF Docs. 126/38). In support hereof the United States Trustee states:

1. The United States Trustee's Motion is based on information recently published by the Debtors on their internet website. The United States Trustee believes immediate conversion

or dismissal is warranted based on the facts alleged in the Motion. Further, the United States Trustee believes the interests of justice would be best served if the Motion is heard expeditiously.

2. Pursuant to Bankruptcy Rule 2002(a)(4), 21-day notice to the debtor, all creditors, and parties in interest is required for a motion to convert or dismiss a chapter 11 case. The earliest regularly scheduled hearing date of this Court after 21-day notice period would be August 9, 2019 in Rutland.

3. The parties in these cases will be in court on Friday, July 12, 2019 for various motions filed by the Debtors and again on July 26, 2019 for the Court's case management conferences.

4. The United States Trustee avers that resolution of the Motion *prior to* the case management conferences would conserve judicial resources and would be beneficial for all parties. Vt. LBR 9013-1(h).

5. The United States Trustee could not have brought the Motion sooner because the United States Trustee first became aware of the Debtors' actions on or about Friday, July 5, 2019. Vt. LBR 9013-1(h).

6. The United States Trustee respectfully requests that the Court schedule the Motion for hearing on July 26, 2019 and require objections to be filed not later than July 19, 2019.

7. In addition, the United States Trustee respectfully requests that the Court waive the requirement contained in Fed. Bankr. R. P. 2002(a) that all creditors receive notice. There are a number of very active secured and unsecured creditors in the cases as well as an Ad Hoc Committee of Unsecured Creditors that represents approximately 187 members of the Club. Affidavit of Timothy J. Treanor (ECF Doc. 30, ¶ 17).

8. The United States Trustee served the Motion on the parties on the attached service lists. The United States Trustee respectfully requests that the Court deem such service of the Motion adequate. If the Court grants this motion and enters an order shortening and limiting notice, the United States Trustee proposes to serve the same parties with the order to the extent that such parties will not receive the order from CM/ECF or the BNC.

9. In an effort to comply with Vt. LBR 9013-1(b), the United States Trustee sought and received consent to the request for a hearing on the Motion on shortened notice from the following parties: the Debtors, Berkshire Bank, Lakeland Bank, Ad Hoc Committee of Unsecured Creditors, Mark Brett, NEC Financial Services, LLC, Town of Wilmington, Barnstormer Summit Lift, LLC, Reinhart FoodService, LLC, Shaun Golden, Surburban Propane, Cold Brook Fire District, TFT Holdings, LLC, The Carol H. Butler Trust, Ana Cladera, Charles Collins, Jennifer Goodman, Rose Stewart Dickson, Seth Goodman, Tyler Dickson. Although not all parties have responded, no parties have indicated that they oppose the motion to shorten notice.

WHEREFORE, the United States Trustee requests the Court hear the Motion to Convert or Dismiss these cases on or before July 26, 2019, to limit notice to those parties listed on the attached certificates of service, and for such further relief as this Court deems just and proper.

Dated: Albany, New York
July 11, 2019

Respectfully submitted,

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE

/s/ Lisa M. Penpraze
By: Lisa M. Penpraze
Assistant United States Trustee
Leo O'Brien Federal Building
11A Clinton Ave, Room 620
Albany, New York 12207
Bar Roll No.: 105165
lisa.penpraze@usdoj.gov
Voice: (518) 434-4553

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

Hermitage Club, LLC

Case No.: 19-10276-cab
Chapter 11

Debtor.

Certificate of Service

I, Lisa M. Penpraze, hereby certify that this document, United States Trustee's Motion to Convert or Dismiss (ECF Doc 38), filed through the ECF system was sent electronically to the registered participants as identified on the Notice of Electronic Filing generated in connection with this document:

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- David N. Dunn ddunn@pdsclaw.com, mgundry@pdsclaw.com
- Elizabeth A. Glynn eag@rsclaw.com, ccs@rsclaw.com
- John J. Kennelly kennelly@vermontcounsel.com, jda@vermontcounsel.com
- Paul F. O'Donnell, Esq. podonnell@hinckleyallen.com
- Douglas S. Skalka dskalka@npmlaw.com,
smowery@npmlaw.com;npm.bankruptcy@gmail.com

And via U.S. Mail to the following:

The following is the list of **parties** who are **not** on the list to receive email notice/service for this case (who therefore require manual noticing/service).

William S. Fish
Hinckley, Allen
20 Church Street
Hartford, CT 06103

Craig I. Lifland
Halloran & Sage
225 Asylum Street
Hartford, CT 06103

Kevin J. McEleney
Updike Kelly & Spellacy PC
100 Pearl Street
PO Box 231277
Hartford, CT 06103

Charles I. Miller
The Law Office of Charles I. Miller
PMB 108
1245 Farmington Avenue
West Hartford, CT 06107

C. Donald Neville
Kroll, McNamara, Evans & Delehanty, LLP
65 Memorial Road
Suite 300
West Hartford, CT 06107

Gary M. Weiner
P.O. Box 2439
Springfield, MA 01101-2439

Dated: Albany, New York
July 11, 2019

/s/ Lisa M. Penpraze
Lisa M. Penpraze
Assistant United States Trustee
Leo O'Brien Federal Building
11A Clinton Ave, Room 620
Albany, NY 12207
lisa.penpraze@usdoj.gov
Voice: (518) 434-4553
Fax: (518) 434-4459

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

Hermitage Inn Real Estate
Holding Company, LLC

Case No.: 19-10214-cab
Chapter 11

Debtor.

Certificate of Service

I, Lisa M. Penpraze, hereby certify that this document, United States Trustee's Motion to Convert or Dismiss (ECF 126), filed through the ECF system was sent electronically to the registered participants as identified on the Notice of Electronic Filing generated in connection with this document:

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- Edward Gordon Adrian eadrian@msdvt.com, kshamis@msdvt.com
- James B Anderson jba@rsclaw.com, ljm@rsclaw.com
- Shannon Aldridge Bertrand bertrand@fgmvt.com, sgraham@fgmvt.com
- Patrick M. Birney, Esq. pbirney@rc.com, ctrivigno@rc.com
- Andre Denis Bouffard abouffard@drm.com, mbottino@drm.com
- Robert S DiPalma rdipalma@pfclaw.com
- David N. Dunn ddunn@pdsclaw.com, mgundry@pdsclaw.com
- Elizabeth A. Glynn eag@rsclaw.com, ccs@rsclaw.com
- Erin Miller Heins eheins@langrock.com, slehouiller@langrock.com
- John J. Kennelly kennelly@vermontcounsel.com, jda@vermontcounsel.com
- Tavian M. Mayer tavian@mayerlaw.com
- Adam Robbins Mordecai amordecai@primmer.com
- Paul F. O'Donnell, Esq. podonnell@hinckleyallen.com
- Hobart F. Popick hpopick@langrock.com, sdietsch@langrock.com
- Heather Elizabeth Ross hross@sheeheyvt.com, bsides@sheeheyvt.com
- Thomas P. Simon tps@mc-fitz.com
- Douglas S. Skalka dskalka@npmlaw.com,
smowery@npmlaw.com;npm.bankruptcy@gmail.com

And sent via U.S. Mail to the following:

The following is the list of **parties** who are **not** on the list to receive email notice/service for this case (who therefore require manual noticing/service).

Erin Kennedy, Esq.
Forman Holt
66 Route 17 North
Paramus, NJ 07652

Bobbi Resek
73 North St.
PO Box 74
East Dover, VT 05341

Dan Solaz
25 Saw Mill Village Way
PO Box 986
West Dover, VT 05356

Dated: Albany, New York
July 11, 2019

/s/ Lisa M. Penpraze
Lisa M. Penpraze
Assistant United States Trustee
Leo O'Brien Federal Building
11A Clinton Ave, Room 620
Albany, NY 12207
lisa.penpraze@usdoj.gov
Voice: (518) 434-4553
Fax: (518) 434-4459